



California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Arnold Schwarzenegger
Governor

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Mr. John Bostick
Millennium-Diamond Road Company, LLC
3731 Wilshire Boulevard, Suite 850
Los Angeles, CA 90010

WATER QUALITY CERTIFICATION FOR PROPOSED (TENTATIVE TRACT MAP NO. 53430) PROJECT (Corps' Project No. 2006-02153-KW), UNNAMED DRAINAGES TRIBUTARY TO TONNER CANYON, DIAMOND BAR, LOS ANGELES COUNTY (File No. 06-207)

Dear Mr. Bostick:

Board staff has reviewed your request on behalf of Millennium-Diamond Road Company, LLC (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 26, 2006.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

[Original Signed By]
Tracy J. Egoscue
Executive Officer

December 7, 2007
Date

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

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1. Applicant: Millennium-Diamond Road Company, LLC
3731 Wilshire Boulevard, Suite 850
Los Angeles, CA 90010

Phone: (213) 389-9748 Fax: (213) 389-5107

2. Applicant's Agent: RBF Consulting
14725 Alton Parkway
Irvine, CA 92618

Phone: (949) 855-3687 Fax: (949) 837-4122

3. Project Name: Tentative Tract Map No. 53430

4. Project Location: Diamond Bar, Los Angeles County
Longitude: 117° 49' 37"; Latitude: 33° 58' 21"
Longitude: 117° 49' 26"; Latitude: 33° 58' 04"
Longitude: 117° 49' 11"; Latitude: 33° 58' 16"
Longitude: 117° 49' 12"; Latitude: 33° 58' 30"
Longitude: 117° 49' 08"; Latitude: 33° 58' 32"
Longitude: 117° 49' 14"; Latitude: 33° 58' 37"
Longitude: 117° 49' 21"; Latitude: 33° 58' 36"
Longitude: 117° 49' 22"; Latitude: 33° 58' 29"

5. Type of Project: Housing development

6. Project Purpose: The project goal is to provide low-density housing within the City consistent with the City of Diamond Bar's General Plan.

7. Project Description: The project site will be developed with residential homes. The project includes the development of 48 single-family custom residential lots on 80 acres within the Country Estates private community in the City of Diamond Bar. In order to develop the proposed project, the drainage which currently transects the site from north to south will be filled (0.37-acre permanent impact). Grading will occur and material from the adjacent hillside will level

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out the site, in order to accommodate housing. Although the original drainage will be impacted, a new, wider drainage will be created within Lot A as a soft bottom pond and creek system that will: (1) control the outflows from the site onto downstream property; (2) maintain pre-development runoff peak flows; (3) trap sediment; and (3) support riparian habitat that will partially mitigate the loss of jurisdictional streambed. The creation will consist of re-contouring the drainage and planting with native vegetation. The recreated streambed in Lot A will be wider than the narrow channel which currently exists, thereby increasing the amount of "waters of the U.S." than what is currently found on the site.

The density of the proposed project site will be 0.6 dwelling units per acre. The proposed residential lots will vary in size from one-acre lots to 4.17-acre lots, with the majority of the lots sized between 1.0 and 2.0 acres. The 80-acre site will consist of the following project design characteristics: Building Pad Area (27.42 acres), Engineered Slope Area (26.25 acres), Natural Open Space Area (11.83 acres), Private Street (6.60 acres), Lot A (7.82 acres), and Lot B (0.08 acres).

The jurisdictional delineation for the proposed project identified approximately 1.01 acres of ACOE jurisdictional "waters of the U.S." within the project boundary, 0.49 acre of which will be impacted by the project. This consists of approximately 0.37 acre of permanent impacts and 0.12 acre of temporary impacts that are anticipated to occur due to landslide remediation activities and the re-creation of the streambed channel within Lot A. Of the 1.01 acres within ACOE jurisdiction located on the property, more than 50% (approximately 0.52 acres) will be avoided and remain as open space.

The jurisdictional delineation identified 5.96 acres of CDFG jurisdictional streambed within the project boundary. Project construction is anticipated to permanently impact a total of 2.81 acres and temporarily impact a total of 1.11 acres, resulting from landslide remediation activities and re-creation of the streambed channel.

8. Federal Agency/Permit:

U.S. Army Corps of Engineers
NWP No. 39 (Permit No. 2006-02153-KW)

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9. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement
No. 1600-2006-0419-R5
10. California Environmental Quality Act Compliance: The City of Diamond Bar Planning Department approved the project's Final Environmental Impact Report (SCH No. 2003051102) on February 21, 2006.
11. Receiving Water: San Jose Creek (Hydrologic Unit No. 405.51)
12. Designated Beneficial Uses: MUN*, GWR, REC-1, REC-2, WARM, WILD
*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.12 temporary acres (926 temporary linear feet)

Non-wetland waters (streambed): 0.37 permanent acres (3,673 permanent linear feet)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- The downstream erosion will be minimized by using energy dissipaters.
 - Of the 1.01 acres of ACOE jurisdiction that are located within the boundaries of the project site, more than 50 percent (approximately 0.52-acre), will be avoided.

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- The proposed project design has avoided the entire western drainage with one of the property's blue line streams.
- Catch basins will be outfitted with "fossil filter" geotextile fabric catch basin inserts at a total of six inlets to the storm drain system to capture pollutants, such as coarse soils and trash, and other pollutants that may be attached to these solids, including oil and grease, metals, organic and inorganic chemicals, and nutrients.

17. Proposed Compensatory Mitigation:

Mitigation for project impacts will have both on-site and off-site components. On-site mitigation will consist of the creation of a soft-bottom channel in Lot A (immediately east of Alamo Heights Drive); which will be planted with coast live oaks (*Quercus agrifolia*) and associated riparian vegetation. This will replace the previously existing drainage channel which will be impacted in order to develop the site. The mitigation will consist of contouring this drainage and providing the opportunity for "waters" to remain within the proposed project area. In addition, off-site mitigation will take place in two locations within the Whittier Narrows Recreation Area (WNRA). Mitigation within the WNRA will consist of removal and long-term control of giant reed (*Arundo donax*) as well as conversion of non-native habitat to oak and walnut riparian habitat within an overflow area of the San Gabriel River.

On-site mitigation will commence at the conclusion of mass grading activities and the mitigation areas will be planted with native riparian vegetation. Should project construction begin in Fall 2007, on-site mitigation would occur during Fall 2008. In the off-site mitigation areas, giant reed removal will begin in Fall 2007 and planting will occur in Fall 2008.

Both on- and off-site mitigation proposed will provide overall watershed improvements through: (1) improved wildlife habitat by increasing the diversity of habitat structure and plant species; (2) increased groundwater recharge by removing non-native species with high transpiration rates; (3) improved water quality by increasing stability of the stream corridor and reducing sedimentation; and (4) improved storm water conveyance and reduced flood potential.

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Preference has been given to performing mitigation on the site to minimize the watershed impact of project construction. Therefore, creation of 4.17 acres of oak woodland riparian habitat will occur on-site. Due to not having enough acreage on-site for mitigation to fully offset permanent impacts, an off-site mitigation component was also proposed to meet mitigation requirements. The selected off-site location was the closest area hydrologically connected to the project site that could facilitate this riparian habitat mitigation program.

The on-site mitigation site is located in Lot A in the southeastern portion of the project site, adjacent to Alamo Heights Drive. This mitigation site will re-create the stream corridor which currently exists, once grading activities have ended. This mitigation site will have approximately 1,000 linear feet of streambed (approximately 0.7 acre of "waters of the U.S.") and 4.17 acres of CDFG jurisdictional streambed.

The off-site mitigation areas are located within the WNRA in the City of Pico Rivera and South El Monte. Mitigation activities will take place at two locations within the WNRA and will total approximately 27 acres. These areas include: (1) the San Gabriel River-Rio Hondo Crossover Channel (8 acres, hereafter referred to as the "crossover channel site") and (2) the equestrian area along the east bank of the San Gabriel River adjacent to the Bicentennial Park (16.9 acres, hereafter referred to as the "equestrian center site").

Approximately 24.9 acres of mitigation area will be created in the Whittier Narrows area. The equestrian center site is approximately 16.9 acres and approximately 15 acres of restoration will take place within the oak/walnut woodland habitat, while approximately 1.9 acres will be planted on willow woodland habitat along the San Gabriel River for bank stabilization purposes. The site contains approximately 4,650 linear feet of ephemeral streambed supporting approximately 12 acres of CDFG jurisdictional habitat. This site also contains upland habitat that will be planted with oaks and walnuts to partially mitigate the loss of native trees associated with project construction; additionally, removal of approximately eight acres of giant reed from the streambed of the Rio Hondo-San Gabriel River crossover channel. The removal of giant reed will begin before the proposed project is developed.

18. Required

The Regional Board will require the Applicant to implement all

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Compensatory Mitigation:

proposed Mitigation, as specified in the application materials received for the proposed project (as indicated in 17. Proposed Compensatory Mitigation above). On-site mitigation will consist of 0.7 acres (1.89:1 ratio) and off-site mitigation will consist of 27 acres within WRNA (specifically 16.9 acres of riparian restoration), which includes 4,650 linear feet of ephemeral streambed area supporting approximately 12 acres which would be considered jurisdictional by the California Department of Fish & Game. This mitigation is required for impacts of 0.12 temporary acres and 0.37 permanent acres (3,673 linear feet) of waters of the U.S. for the proposed project.

See Attachment B, Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification File No. 06-207

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.

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5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.

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12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
16. The Applicant shall utilize the services of a qualified biologist during any vegetation clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
17. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
18. All project/construction activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.

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19. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
- pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)
 - Downstream TSS shall be maintained at ambient levels
 - Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

20. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.

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21. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.37 acres** of vegetation within waters of the United States by creating or restoring riparian habitat at a minimum **1.9:1** area replacement ratio (**0.70 acres**). This mitigation requirement will be fulfilled within Lot A (on-site). In addition, the Applicant may provide off-site mitigation within the Whittier Narrows Recreation Area (WNRA) as specified in the application provided to the Regional Board. This off-site mitigation component will consist of approximately **16.9 acres** of creation or restoration of riparian habitat within waters of the United States and also include the removal of giant reed and other invasive, non-native species. The boundary of the mitigation site(s) shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.
22. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
23. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
 - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results (as required) compiled in an easy to interpret format;
 - (f) A certified Statement of “no net loss” of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.

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**Conditions of Certification
File No. 06-207**

24. Prior to any subsequent maintenance activities within the project areas, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
25. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.
 - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
26. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

(Signature)
(Title)”

27. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **06-207**. Submittals shall be sent to the attention of the 401 Certification Unit.

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28. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
29. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
30. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
31. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
32. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.

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- (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
33. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.